

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ELLIOT J. SCHONBRUN,

Plaintiff,

13-CV-4852

-against-

ANSWER

AMTRAK, METROPOLITAN  
TRANSPORTATION AUTHORITY and THE  
LONG ISLAND RAIL ROAD,

Defendant.  
-----X

Defendants, AMATRAK, METROPOLITAN TRANSPORTATION AUTHORITY and  
THE LONG ISLAND RAIL ROAD COMPANY ("LIRR") s/h/a THE LONG ISLAND RAIL  
ROAD, by their attorney, RICHARD L. GANS, ESQ., as and for their answer to plaintiff's  
complaint, state as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the  
allegations contained in paragraphs "1", "4", "5", "9", "10", "11", "13", "14", "15", "16", "17",  
"18", "19", "20", "21", "22", "23", and "24".

2. Deny knowledge or information sufficient to form a belief as to the truth of the  
allegations contained in paragraphs "2", "3", and "12" and refer all questions of law to this Court  
for its determination.

3. Deny information upon belief as to the truth of the allegations contained in  
paragraph "26".

4. Deny information upon belief as to the truth of the allegations contained in  
paragraphs "27", "28", "29", "30", "31", "32", and "33" and refer all questions of law to this Court  
for its determination.

5. Defendants repeat and reiterate each and every allegations contained in paragraphs "1" through "4" as if set forth at length herein.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

6. Any injuries suffered by plaintiff were caused solely by his own negligence and not by any negligence of the answering defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

7. Any injuries suffered by plaintiff were caused, in part, by his own negligence, and any recovery by plaintiff must be diminished in proportion to that part of his injuries attributable to his own negligence.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

8. Any injuries suffered by plaintiff were not caused by a negligent act or omission of the answering defendant or any individual acting under its direction or control.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

9. Plaintiff failed to mitigate or otherwise act to lessen or reduce the damages alleged in the Complaint.

WHEREFORE, defendant LIRR demands judgment of this court dismissing the complaint in its entirety, plus the costs and disbursements of the action.

Dated: Jamaica, NY  
October 7, 2013

Yours, etc.,

**RICHARD L. GANS, ESQ.**

*Vice President/General Counsel & Secretary*  
Attorney for Defendant

By: 

Thomas L. Chiofolo (1997)

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TO: LAW OFFICES OF NEIL MOLDOVAN, P.C.  
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